

1 **AN ACT** *to repeal* 5.02 (6m), 6.26 (2) (am), 6.28 (3), 6.55 (7), 6.87 (3) (c) and 12.13
2 (4); *to renumber* 7.30 (1) and 7.31 (1); *to renumber and amend* 6.55 (3); *to amend*
3 5.35 (6) (a) 4a., 5.90, 6.15 (4) (a) to (e), 6.15 (6), 6.21, 6.22 (4), 6.22 (5), 6.24 (6),
4 6.26 (2) (a), 6.26 (2) (b) and (c), 6.26 (3), 6.28 (1), 6.29 (1), 6.29 (2) (a), 6.30 (4),
5 6.32, 6.33 (1), 6.33 (2) (a) and (b), 6.36 (1) (a), 6.36 (2) (a), 6.36 (2) (c) 2., 6.50 (3),
6 6.55 (2) (a) 1., 6.55 (2) (b), 6.55 (2) (c) 1., 6.56 (3), 6.79 (2) (d), 6.82 (1) (a), 6.86 (1)
7 (a) 2., 6.86 (1) (b), 6.86 (3) (c), 6.865 (3), 6.87 (3) (a), (b), and (d), 6.87 (4), 6.87 (6),
8 6.875 (4) and (6), 6.88 (1) to (3), 6.93, 6.935, 6.97 (1) and (2), 7.03 (1) (a), 7.08 (8)
9 (title), 7.15 (1) (e), 7.15 (11), 7.23 (1) (a), 7.30 (2) (a), 7.30 (2) (am), 7.30 (2) (b),
10 7.30 (2) (c), 7.30 (4) (a), 7.30 (4) (b) (intro.), 7.30 (4) (b) 1., 7.30 (4) (c), 7.30 (6) (a),
11 7.30 (6) (b), 7.30 (6) (c), 7.31 (title), 7.33 (3), 7.41, 7.51 (1), 7.51 (2) (c), 7.51 (2)
12 (e), 7.51 (3) (d), 7.51 (4) (a), 7.51 (5) (a), 7.51 (5) (b), 7.53 (1), 7.53 (2) (a), 7.53 (2)
13 (d), 7.60 (2), 8.10 (3) (intro.), 8.15 (4) (a), 8.20 (3), 8.37, 8.40 (2), 9.01 (1) (b)
14 (intro.), 9.01 (10), 9.10 (2) (b), 9.10 (2) (d), 9.10 (2) (em) 2., 9.10 (4) (a), 10.01 (2)
15 (e), 10.02 (3) (a), 12.03 (title) and (1), 12.03 (4), 12.07 (2), 12.60 (1) (b), 12.60 (1)
16 (c), 12.60 (1) (d), 17.29, 302.117, 880.33 (9), 973.09 (4m) and 973.176 (2); *to repeal*
17 *and recreate* 12.03 (2) and 12.09; and *to create* 5.02 (16g), 5.35 (6) (c), 5.68 (3m),
18 6.22 (5m), 6.28 (4), 6.29 (2) (am), 6.34, 6.36 (5), 6.55 (2) (cs), 6.55 (3) (b), 6.56
19 (3m), 6.79 (2) (dm), 6.855, 6.86 (1) (ac), 6.86 (1) (c), 6.865 (3m), 6.875 (7), 7.10 (1)
20 (d), 7.15 (1m), 7.15 (2m), 7.23 (1) (am), 7.30 (1) (b), 7.30 (6) (am), 7.31 (2m), 7.31
21 (3m), 7.31 (4m), 7.37 (13), 7.41 (5), 7.52, 7.53 (2m), 12.035, 12.13 (3) (ze), 301.03

- 1 (3a) and 301.03 (20) of the statutes; **relating to:** administration of elections; granting
2 rule-making authority; and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill draft was prepared for the joint legislative council's special committee on election law review. The draft makes numerous modifications to the election laws, as described below.

VOTER REGISTRATION

Forms of Identification Required to Register to Vote

Beginning in the spring of 2006, all voters, with limited exceptions, will need to be registered before they are allowed to vote. Under current law, an elector may register in person or by mail. Generally, registration must be completed by a certain time before election day. However, a person may register in person on election day at the polls, or after the official close of registration in person in the office of the municipal clerk up until 5 p.m. or the close of business, whichever is later, on the day before the election.

A person who registers to vote at the polls on election day or in person in the municipal clerk's office after the official close of registration must show proof of residence. A document constitutes acceptable proof of residence if it includes the person's current and complete name and a current and complete residential address. The statutes provide a list of examples of documents that constitute acceptable proof of residence if they contain the person's name and address. The statutory list, which is not exhaustive, is set forth below:

1. An operator's license issued under ch. 343 (i.e., a Wisconsin driver's license).
2. An identification card issued under s. 343.50 (i.e., a Wisconsin identification card).
3. Any other official identification card or license issued by a Wisconsin governmental body or unit or by an employer in the normal course of business, but not including a business card.
4. A credit card or plate.
5. A library card.

6. A check-cashing or courtesy card issued by a merchant in the normal course of business.
7. A real estate tax bill or receipt for the current year or the year preceding the date of the election.
8. A residential lease which is effective for a period that includes election day.
9. A university, college, or technical institute fee card.
10. A university, college, or technical institute identification card.
11. An airplane pilot's license.
12. A gas, electric, or telephone service statement for the period commencing not earlier than 90 days before election day.

A person who is required to provide proof of residence under current law but who is unable to provide such proof may have his or her registration information corroborated by another elector who resides in the same municipality. The corroborating elector must then provide proof of his or her residence. In general, under current law, other persons who register to vote need not provide proof of residence.

Under current law, pursuant to requirements of the Federal Help America Vote Act of 2002 (HAVA), a person who registers to vote by mail and who has never voted in a federal election in his or her municipality (until December 31, 2005) or in the state (effective January 1, 2006) must present certain identification before being allowed to cast a ballot. A person who fails to do so may cast a provisional ballot and provide the identification later. The identification required under current law is: (1) a current and valid piece of identification containing a photograph of the person; or (2) a copy of a utility bill, bank statement, paycheck, or a check or other document issued by a unit of government that shows the current name and address of the person.

The draft requires proof of residence to be provided whenever registration to vote is made. It does not alter the corroboration alternative under current law and does not extend that alternative to the new proof of residence requirements contained in the draft.

In addition, the draft establishes one uniform list of documents that may be used as proof of residence by both first-time voters who register by mail and by all persons who are required to register to vote so long as the document contains the full name and residential address of the individual. The list created by the draft is as follows:

1. A current and valid Wisconsin driver's license.

2. A current and valid Wisconsin identification card.
3. Any other official identification card or license issued by a Wisconsin governmental body or unit.
4. An identification card issued by an employer in the normal course of business and bearing a photograph of the card holder, but not including a business card.
5. A real estate tax bill or receipt for the current year or the year preceding the date of the election.
6. A university, college, or technical college fee or identification card bearing a photograph of the card holder.
7. A utility bill for the period commencing not earlier than 90 days before election day.
8. A bank statement.
9. A paycheck.
10. A check or other document issued by a unit of government.

The draft provides that a university, college, or technical college fee or identification card which does not contain the address of the student bearing the card may still be considered acceptable proof of residence if the university, college, or technical college that issued the card provides to the municipal clerk before the election a certified and current list of students who reside in housing sponsored by the university, college, or technical college showing the current address of the students and if the poll worker verifies that the student presenting the card is included on the list.

Deadline for Registration

Under current law, registration for any election must close at 5 p.m. on the second Wednesday preceding the election. Registration may be accepted after this deadline if the municipal clerk determines that the registration list can be revised to incorporate the registration in time for the election. A person may also register to vote after the official date for the close of registration. Generally, a person may register late by filing with the municipal clerk a registration form completed by the person and acceptable proof of residence or corroboration of residence by one other elector of the municipality. The registration form must be filed in person no later than 5 p.m. or the close of business, whichever is later, on the day before the election. Unless the clerk determines that the registration list can be updated in time for the election, the municipal clerk must issue to the late-registering person a certificate addressed to the

inspectors of the proper ward directing that the elector be permitted to vote. The certificate must be presented by the person to the inspectors when he or she arrives at the polling place.

The draft changes the registration deadline from the 2nd Wednesday preceding the election to the 3rd Wednesday preceding the election. Under the draft, registration after this deadline is limited to persons registering in person in the office of the municipal clerk, persons registering at the polls on election day, and hospitalized persons registering via an agent.

In addition, the draft modifies the deadline for late registration in the clerk's office. Under the draft, late, in-person registration must be completed by 5 p.m. or the close of business, whichever is later, on the Friday before an election.

Legibility of Voter Registration Forms

Under current law, an elector must complete a registration form in order to register to vote.

The draft requires that the registration form be completed in a legible manner, and be signed by the election official before whom the form was completed.

Return Postage on Registration Forms

Under current law, voter registration forms are to be provided by each municipality and must be prepostpaid for return when mailed within the United States.

The draft eliminates the requirement that the forms contain prepaid return postage.

Locations for Voter Registration

Under current law, individuals may register to vote at the office of the municipal clerk, at other locations designated by the clerk, at high schools, and at the register of deeds office. In addition, current law authorizes the municipal clerk and the elections board to appoint special registration deputies for the purpose of registering electors of a municipality anywhere throughout the municipality—the so-called “roving registration deputies”. Current law also authorizes the appointment of special registration deputies to assist in registering voters at the polls on election day and requires the appointment of special registration deputies at other locations designated for registration by the municipal clerk.

The draft eliminates the "roving registration deputies" appointed by the municipal clerk and elections board. Instead, the draft authorizes a municipal clerk to appoint special registration deputies only for fixed registration locations and eliminates the ability of the elections board to appoint special registration deputies.

The draft also creates an exemption from requiring the clerk to appoint special registration deputies for fixed registration locations established by the municipal clerk when the clerk and deputy clerks can sufficiently staff the locations. The draft also eliminates the statutory requirement that registration be available in the office of the register of deeds and instead requires that registration be available at the office of the county clerk.

Prohibition on Certain Payment for Voter Registration

The draft prohibits any person from compensating any individual who gathers registrations at a rate that varies in relation to the number of voter registrations obtained. Violators are guilty of a misdemeanor and are subject to a fine of not more than \$1,000 or imprisonment for not more than 6 months, or both, for each offense.

Verification of Pre-Election Voter Registration

Under current law, when a municipal clerk receives a voter registration form by mail, the clerk must examine the form for sufficiency. If the form is insufficient to accomplish registration or if the clerk knows or has reliable information that the proposed elector is not qualified, the clerk must notify the proposed elector and request that the elector appear at the clerk's office or other registration center to complete a proper registration or substantiate the information presented. Similarly, if the form is submitted after the close of registration, the clerk must attempt to notify the elector that registration may be completed in the clerk's office or at the polls on election day. Under current law, if the form is sufficient and the clerk has no reliable information to believe that the proposed elector is not qualified, the clerk must enter the person's name on the registration list and transmit a first class letter on postcard to the registrant identifying the registrant's proper ward or aldermanic district and polling place. If the letter or postcard is returned, the clerk must change the registrant's status to ineligible.

The draft applies these requirements to any pre-election day registration form not submitted in person by the person seeking registration in the office of the municipal clerk or in person at another approved registration location. In addition, the draft specifies that the clerk must mail the letter or postcard within 10 days of receiving the registration.

Fee for Copy of Registration List

Under current law, the fee for a copy of a public record may not exceed the actual, necessary, and direct cost of reproduction, unless a fee is otherwise specifically established or authorized to be established.

The draft directs the elections board to establish a fee for receiving a copy of the statewide voter registration list. The fee must be established by rule after consultation with county and municipal election officials. The amount of the fee must be set to cover the cost of reproduction and the cost of maintaining the list. The rules must also specify how the fees will be shared between state and local jurisdictions. The draft also authorizes the board to promulgate emergency rules to be in effect until permanent rules are promulgated.

Same-Day Voter Registration Verification by Elections Board

Under current law, after each election the municipal clerk receives a list of all electors who registered to vote on election day. Upon receipt of the list, the clerk is required to make an audit of all such electors. The audit is to be made by 1st class postcard, which is to be marked in such a way so that it will be returned to the clerk if the elector named on the card does not reside at the address given on the postcard. If the postcard is returned undelivered, the clerk is required to change the status of the elector on the registration list from eligible to ineligible and mail the elector a notice of the change in status and provide the name to the district attorney for the county where the polling place is located.

The draft authorizes the state elections board to perform this audit function in lieu of the municipal clerk.

ABSENTEE BALLOTS

Requesting an Absentee Ballot by Fax or Email

Under current law, any elector who is unable or unwilling to appear at the polling place in his or her ward on election day may vote by absentee ballot. An elector seeking to vote by absentee ballot must generally make a written application to the municipal clerk. An application may be made by one of the following methods: (1) by mail; (2) in person at the office of the municipal clerk; (3) by signing a statement indicating the elector is indefinitely confined or disabled; (4) by agent when the elector is hospitalized; or (5) by delivering an application to a special voting deputy when the elector is an occupant of a nursing home and similar facilities.

The draft authorizes a registered elector, including a registered "overseas elector", or an elector who qualifies as a "military elector", who is

unable or unwilling to appear at the polling place in his or her ward on election day to apply for an absentee ballot by making a written application to the municipal clerk by facsimile transmission (fax) or electronic mail (email). The application must contain a copy of the applicant's original signature. When the absentee ballot is returned, the elector must enclose a copy of the absentee ballot request bearing an original signature of the elector along with the ballot. Ballots cast in contravention of this procedure are not to be counted.

Deadline for Requesting Absentee Ballot by Mail

Under current law, requests for absentee ballots made by an elector by mail must be received by the municipal clerk by 5 p.m. on the Friday preceding the election. The draft changes the deadline for such requests to no later than 5 p.m. on the 6th day immediately preceding the election, except for applications submitted by mail by military electors and indefinitely confined voters. Under the draft, applications by mail from these electors retain the current deadline of 5 p.m. on the Friday before the election.

Absentee Ballots for Military Electors – Permanent Ballots

Under current law, "military electors" are defined to be any of the following:

- Members of a uniformed service (i.e., the U.S. army, navy, air force, marine corps, or coast guard, the commissioned corps of the federal public health service, or the national oceanic and atmospheric administration).
- Members of the U.S. merchant marine.
- Civilian employees of the U.S. and civilians officially attached to a uniformed service who are serving outside the U.S.
- Peace corps volunteers.
- Spouses and dependents of the above who reside with or accompany them.

In general, and with some exceptions, a military elector is to vote in the ward or election district for the address of his or her residence prior to becoming a military elector. In general, military electors are not required to register as a prerequisite to voting in any election.

A military elector may request an absentee ballot for any election, or for all elections until the individual otherwise requests or until the person no longer qualifies as a military elector. An absentee ballot application from a military elector may be received at any time. In general, as an

alternative to a regular absentee ballot request form, a federal postcard registration and absentee ballot request form may be used to apply for an absentee ballot by a military elector if the municipal clerk can determine that the applicant is qualified to vote in the election district where he or she seeks to vote and that the applicant is qualified to receive an absentee ballot as a military elector.

For military electors who are in the uniformed service and on active duty, members of the merchant marine, and the spouse and dependents of such persons who are absent because of the duty or service of the member, current law also provides that such electors may request an absentee ballot for the next 2 general elections. A municipal clerk must comply with such a request except that no absentee ballot may be sent for a succeeding general election if the elector's name appeared on the registration list for a previous general election and no longer appears on the registration list for the succeeding general election. Further, if the elector's address for the succeeding general election is in a municipality that is different from the municipality in which the elector resided for the first general election, current law requires the clerk to forward the request to the clerk of the municipality where the elector resides.

Currently, a municipal clerk must send a ballot, as soon as available, to each military elector who requests a ballot. However, the clerk may not send a ballot for an election if the application is received later than 5 p.m. on the Friday preceding that election. Whenever absentee ballots are sent to military electors, they must be prepared and mailed to make use of the federal free postage laws.

The draft modifies current law to provide that every request by any military elector must be treated as a request for an absentee ballot for all subsequent elections. Under the draft, if a municipal clerk receives a request for an absentee ballot from a military elector, the municipal clerk must send an absentee ballot to the elector for all elections that occur after the request is received. The draft allows a military elector to provide an alternate address on the absentee ballot application and requires the municipal clerk to send an absentee ballot to that alternate address if a ballot sent to the elector's primary address is returned as undeliverable.

The draft authorizes a municipal clerk to stop sending a ballot to a military elector in the following situations: (1) if 2 successive general elections go by and a military elector fails to return an absentee ballot for any election during that time period; (2) if the clerk is reliably informed that the elector is no longer a military elector or no longer resides in the municipality; (3) if the elector is subject to a registration requirement and his or her name no longer appears on the registration list as an

eligible elector; or (4) the elector so requests. Prior to discontinuing sending ballots to a military elector solely for the failure to return absentee ballots, the municipal clerk must notify the elector by mail that no future ballots will be sent unless the elector renews his or her absentee ballot request within 30 days. The draft also requires the municipal clerk to notify a military elector of any action to discontinue sending ballots to the elector not taken at the elector's request within 5 days of taking that action, if possible.

Late-Arriving Absentee Ballots From Military Electors

Under current law, absentee ballots must be returned to the municipal clerk in time for delivery to the polls before the polls close. Any ballot not delivered by this deadline may not be counted.

The draft provides that a ballot cast by a "military elector", as defined above, that is received by the municipal clerk after the close of the polls may, in some situations, still be counted. Under the draft, such a ballot that is received after the polls close is considered a valid ballot if it is received by the clerk by the deadline for requesting a recount and if it contains a postal service cancellation mark dated on or before the election day for which the ballot was cast. However, under the draft these ballots will not be counted unless a recount occurs.

Under the draft, a certificate envelope sent to a military elector must be clearly labeled so that when it is returned the clerk will know that it is from a military elector. If a certificate envelope that is returned by a military elector after the polls close but before the deadline for the return of such ballots has an illegible postmark, or no postmark, it is presumed that the envelope was timely mailed, unless established otherwise.

The draft directs the municipal clerk to post in his or her office on election night and on an internet site a statement announcing the number of absentee ballots that have not been returned by military electors by the closing of the polls. However, the posting may not include the names or addresses of any military electors.

Under the draft, if a recount petition is filed, the municipal clerk must immediately notify the appropriate board of canvassers as to the number of absentee ballots that were timely received after the polls closed and whether any absentee ballots that were sent to military electors have not been returned. If there are unreturned ballots at the time a recount petition has been filed, the draft provides that the recount may not proceed until all timely returned ballots are delivered by the clerk or 9 a.m. on the day following the last day for filing a recount petition, whichever occurs first.

As soon as practicable after receiving the last late-arriving ballot but in no case later than 9 a.m. on the day following the last day for filing a recount petition, the clerk must transmit to the appropriate board of canvassers all of the late arriving military ballots received by the clerk.

When the board of canvassers conducting a recount receives late arriving absentee ballots cast by military electors, the board must first open and record the names of the military electors whose ballots have been received. If the late-arriving ballot cast by a military elector is otherwise valid, the board of canvassers must count the ballot and adjust the original statements, certifications, and determinations. After doing so, the board of canvassers may begin the recount.

Witness for Absentee Ballots

Under current law, military and overseas voters who cast absentee ballots must have a witness who is an adult U.S. citizen. All other absentee ballots must have a witness, but the age and nationality of the witness is not specified. The draft requires all absentee ballots to be witnessed by an adult U.S citizen.

Elimination of Prepaid Return Postage and Notice of Hours

Generally, under current law, if the municipal clerk sends an absentee ballot to an elector, the ballot must include sufficient return postage from anywhere within the United States. The draft deletes this requirement that absentee ballots be sent with return postage paid. Thus, a person who seeks to return an absentee ballot by mail would be required to supply the requisite postage. The draft also modifies the notice that a clerk must post to include the hours that an elector can cast an absentee ballot in the clerk's office.

Absentee Ballots Sent to Permanent or Temporary Residence Only

Under current law, if an elector requests an absentee ballot, the municipal clerk must mail the ballot to the residence of the elector, unless the elector specifies a different mailing address. An elector may not specify that a ballot be sent to the address of a candidate, political party, or campaign finance registrant, unless the elector resides there. If an elector has applied for an absentee ballot and there may not be time to return the ballot, a clerk may send a ballot to a fax number or electronic mail address.

The draft specifies that absentee ballots may only be sent to an elector's permanent or temporary address.

Opening Absentee Ballots in Public

Under current law, absentee ballot envelopes must be opened at the polling place during poll hours and the ballots placed in the ballot box without disclosing how the voter voted. When the envelopes are opened, the inspector is required to publicly announce the names or serial numbers of the absent electors casting the ballots.

The draft adds language to ensure that this opening process is done so that election observers may hear and see the process.

Observation of Absentee Voting in Certain Nursing Homes and Other Facilities

Under current law, there is a separate procedure for absentee voting by residents of nursing homes, qualified community-based residential facilities, and qualified retirement homes. If a resident of such a facility requests an absentee ballot, the clerk will arrange a time to send 2 special deputies to the facility to facilitate the residents in voting absentee.

The draft requires the municipal clerk to maintain a list, available to the public, of all of the facilities where an absentee ballot has been requested and when the special deputies will be visiting the facility. In addition, the clerk must post a notice at the facility indicating when the special deputies will be visiting. The draft also allows one observer from each of the recognized political parties whose candidate for governor or president received the greatest numbers of votes in the municipality at the most recent general election to accompany the deputies to observe the distribution of absentee ballots in the common areas of the facility. The deputies are given the same authority as the chief election inspector to monitor this observer's conduct.

Alternate Absentee Ballot Site

Under current law, persons may apply for and vote an absentee ballot at the municipal clerk's office prior to election day. In addition, absentee ballots that are not voted at the clerk's office are to be returned to the clerk's office in time for delivery to the polls before the polls close on election day.

The draft authorizes the governing body of a municipality (city, village, or town) to establish an alternate absentee ballot site in lieu of the municipal clerk's office to facilitate absentee ballot applications, voting of absentee ballots, and the return of absentee ballots prior to the close of the polls. Generally, the decision to move the absentee ballot functions to this alternate site, and the location of the alternate location, must be established no later than 14 days prior to the time when absentee ballots are available for voting at a primary, if a primary is required (generally

30 days before a September primary and 21 days before other primaries, including the Spring primary) and may expire no earlier than the day after the election following the primary. No absentee ballot functions that are to take place at this alternate site may be conducted at the municipal clerk's office so long as the alternate site is used. The draft requires notice of the alternate site to be prominently displayed in the office of the municipal clerk during the time that absentee ballots are available and requires a notice of the alternate site to be published in a newspaper along with other absentee ballot information required under current law. The draft requires the alternate site to be staffed by the municipal clerk or by employees of the clerk. Observation and electioneering laws would apply to alternate locations established under the draft.

Election Observers

Under current law, any member of the public may be present at any polling place for the purpose of observing an election, except a candidate at that election. The chief inspector at the polling place is authorized to "reasonably limit" the number of persons representing the same organization who are permitted to observe an election at the same time. In addition, the chief inspector is authorized to restrict the location of observers to certain areas at a polling place. Such an area is to be clearly designated as an observation area. Observation areas must be positioned to allow observers to readily observe all public aspects of the voting process. The statutes authorize a chief inspector to order the removal from a polling place of any observer who commits an overt act which either disrupts the operation of the polling place or who engages in electioneering in violation of the law.

Under the statutes, an observer may not view the confidential portion of a registration list relating to an individual who has obtained a confidential listing based on domestic abuse. However, the poll workers must disclose to an observer, upon request, the existence of such a list, the number of electors whose names appear on the list, and the number of those electors who have voted at any point during the election. In addition, an observer may not view the certificate of an absent elector who has obtained such a confidential listing. Current law prohibits any person from refusing to obey a lawful order of a poll worker made for the purpose of enforcing the election laws; engaging in disorderly behavior at or near a polling place; or interrupting or disturbing the voting or canvassing proceedings. A person violating this prohibition may be fined not more than \$1,000, or imprisoned for not more than 6 months, or both.

The draft applies the above observation provisions to the municipal clerk's office or an alternate absentee ballot site authorized by the governing body of a municipality on any day that absentee ballots may be cast in that office. However, the observation provisions created by the draft would only apply to offices of municipal clerks that are located in public buildings. Accordingly, these provisions would not apply to clerks whose offices are located in their primary residences. In addition, the prohibition on a "candidate at that election" being an observer is clarified to apply to a candidate whose name appears on the ballot at the polling place or on an absentee ballot to be cast at the clerk's office or alternate site.

Electioneering

Current law prohibits an election official from engaging in "electioneering" on election day. In addition, the law prohibits any person from engaging in "electioneering" during polling hours on any public property on election day within 100 feet of an entrance to a building containing a polling place. This restriction, though, does not apply to the placement of any material on the bumper of a motor vehicle that is located on such property on election day. A municipal clerk, poll worker, or law enforcement officer is authorized to remove posters or other advertising that violates the prohibitions on "electioneering".

The law defines "electioneering" as any activity that is intended to influence voting at an election. Persons who violate the above prohibitions on electioneering may be fined not more than \$1,000, or imprisoned for not more than 6 months, or both. In addition, any election official who is convicted of violating the electioneering prohibitions is disqualified from acting as an election official for a term of 5 years from the time of the conviction.

The draft extends the prohibitions on electioneering to the municipal clerk's office or an alternate absentee ballot site authorized by the governing body of a municipality during times when absentee voting may be conducted in the office or at the alternate site. Specifically, the draft prohibits the clerk, an employee of the clerk, or any other person who assists electors cast absentee ballots at those locations from engaging in electioneering activities at those locations during the hours that absentee ballots may be cast. In addition, the draft prohibits any person from engaging in electioneering activities during the hours that absentee ballots may be cast in the municipal clerk's office or at an alternate absentee ballot site on any public property within 100 feet of an entrance to a building that contains the clerk's office or the alternate site. Violations of these provisions are subject to the same penalties as provided under current law for electioneering at a polling place.

Option to Count Absentee Ballots at a Central Location

Currently, each absentee ballot must be received at the polling place serving an elector's residence no later than 8 p.m. on election night for the ballot to be counted. The municipal clerk or board of election commissioners delivers all absentee ballots received by the clerk or board to the appropriate polling places. The inspectors (poll workers) canvass the absentee ballots, together with the other ballots, publicly on election day by marking the names of the absentee electors on the same poll list that is used to mark the names of the electors who vote in person. Any member of the public may observe the proceedings. Any elector may challenge for cause any absentee ballot that the elector knows or suspects is not cast by a qualified elector, whether the absentee ballot is cast in person at the office of a municipal clerk or board of election commissioners or the ballot is received in some other manner. Unless an absentee ballot is challenged or voted provisionally, it is not identifiable once it is counted, except that an absentee ballot may be distinguished from another ballot because it carries the initials of the municipal clerk or executive director of the board of election commissioners or a designated deputy. The inspectors at each polling place announce the results of each election when the canvass is completed on election night. Each municipal canvass must be completed by 2 p.m. on the day after each election, and each county canvass must begin no later than 9 a.m. on the Thursday following an election.

The draft permits the governing body of any municipality, by ordinance, to discontinue the canvassing of absentee ballots at polling places. Under the draft, if absentee ballots are not canvassed at polling places, a municipal board of absentee ballot canvassers, appointed by the municipal clerk, must publicly convene any time after the polls open and before 10 p.m. on election day for the purpose of counting absentee ballots. Under the draft, the board of absentee ballot canvassers does not announce the results of its count until the canvass of all absentee ballots is completed. The draft provides for the board of absentee ballot canvassers to conduct a cross-check of absentee ballots for any potential duplication by electors who also cast ballots in person. To accomplish the cross-check, the board of absentee ballot canvassers numbers each absentee ballot as it is counted, and if the elector who casts the ballot also casts a ballot in person, the absentee ballot is not counted. The draft permits any elector to challenge any absentee ballot for cause.

PRE-ELECTION PROCEDURES

Qualifications of Circulators of Nomination Papers and Petitions

Under current law, each nomination paper and petition for an election must be circulated by a qualified elector of the jurisdiction or district in which the paper or petition is circulated. However, in *Frami v. Ponto*, 255 F. Supp. 962 (W.D. Wis. 2003), a federal district court ruled that this residency requirement is unconstitutional and prevented the state from enforcing the statutory requirement.

The draft removes the residency requirement by providing that a circulator of a nomination paper or petition must be a qualified elector of this state or a U.S. citizen age 18 or over who, if he or she were a resident of the state, would not be disqualified from voting because he or she is incompetent, a felon whose right to vote has not been restored, or involved in a wager or bet depending upon the result of the election.

Notice of School District Referendum

Currently, proposed constitutional amendments and other measures or questions to be submitted to a vote of the people must be filed with the official or agency responsible for preparing the ballots for the election no later than 42 days prior to the election at which the amendment, measure, or question will appear on the ballot.

The draft requires, in addition, that a copy of a measure or question to be submitted to a vote of the people on behalf of a school district be provided to the clerk of each county having territory within the school district no later than 42 days prior to the election.

Contingency Planning Report

The draft requires the elections board to submit a report and recommendations to the legislature on state and local election-related contingency planning efforts and preparedness regarding natural disasters and terrorist activities that may occur at or near election time. The report is due on July 1, 2006.

Guidance to Local Units of Government Regarding Election-Related Purchases

Under current law, the election administration council consists of members of the public and local election officials appointed by the executive director of the elections board. The council is to assist the elections board to establish the state's election administration plan under HAVA.

The draft requires the election administration council to also provide guidance to local units of government concerning the purchasing of election apparatus, ballot forms, and supplies for use in elections in this state to help ensure that competitive prices are obtained.

Term of Appointment for Certain Election Officials

Under current law, election officials are appointed for a 2-year term. The appointments are made in December of each even-numbered year. The draft changes the date that election officials are appointed to December of each odd-numbered year.

Election Official Training

Under current law, the elections board conducts training programs for chief inspectors (chief officials at polling places). No person may serve as a chief inspector if he or she has not been certified by the elections board as having met the requirements prescribed by the board for certification. The elections board must also prescribe requirements for maintaining certification. The elections board may also conduct training programs for other election officials. Municipal clerks and boards of election commissioners are required to train all election officials, and municipalities may require applicants for election official positions to take examinations. Currently, the elections board and municipal clerks and boards of election commissioners may appoint special registration deputies who obtain voter registrations from electors prior to the close of registration and municipal clerks may appoint special voting deputies to conduct voting at nursing homes and certain retirement homes and community-based residential facilities. Currently, the clerks and boards of election commissioners must train the deputies in accordance with rules prescribed by the elections board.

Beginning for elections held in 2008, the draft requires all municipal clerks to receive election training at least once every 2 years. The draft authorizes the board to produce and periodically update a video program and make the program available electronically through an Internet-based system for training purposes. Also, the draft requires municipal clerks to train all poll workers other than chief inspectors, who would continue to be trained and certified under current law, as well as special registration deputies and special voting deputies pursuant to rules developed by the elections board. The draft provides that no person may serve as a poll worker, special registration deputy, or special voting deputy unless that person has received training required in the draft unless certain unforeseen circumstances occur. Municipalities are required to compensate election officials other than special registration deputies and special voting deputies for attendance at training sessions.

ELECTION DAY PROCEDURES

Election Day Identification for Certain Voters

Under current law, certain electors who register to vote by mail at an election for national office must show identification before being allowed to cast a ballot if the elector has not previously voted in an election for national office in the municipality (or, effective January 1, 2006, in the state).

The draft applies this requirement to such electors who register to vote in advance of election day in any manner other than in person in the office of the municipal clerk or at another approved registration location.

High School Poll Workers

Generally, a pupil who is 16 or 17 years of age, who is enrolled in grades 9 to 12 in a public or private school, and who has at least a 3.0 grade point average (GPA) may serve as an inspector (poll worker) at the polling place serving the pupil's residence. Approval of the pupil's parent or guardian and of the school principal is required. There must be at least one qualified elector of the state serving at the polling place for a pupil to be appointed and a pupil may not serve as chief inspector. The term of appointment of an inspector lasts for 2 years and until his or her successor is appointed and qualified.

The draft eliminates the minimum GPA requirement and instead authorizes school boards to develop criteria for approving students to serve as poll workers. The draft also modifies the term of service of a high school pupil appointed to serve as an inspector. Under the draft, a high school pupil is appointed for one election only rather than for 2 years. The draft does not prohibit such pupil from being appointed to serve at future elections.

Poll Closing Procedures When Voters Waiting to Vote

Under current law, any elector waiting to vote, whether within the polling booth or in the line outside the booth at the time the polls officially close must be permitted to vote.

The draft requires an election inspector (poll worker) to position himself or herself at the end of the line of individuals waiting to vote at the time the polls officially close as a way to mark the end of the line.

Conduct of Election Observers

Under current law, any member of the public may be present at any polling place for the purpose of observing an election, except a candidate at that election. The chief inspector at the polling place is authorized to

“reasonably limit” the number of persons representing the same organization who are permitted to observe an election at the same time. In addition, the chief inspector is authorized to restrict the location of observers to certain areas at a polling place. Such an area is to be clearly designated as an observation area. Observation areas must be positioned to allow observers to readily observe all public aspects of the voting process. The statutes authorize a chief inspector to order the removal from a polling place of any observer who commits an overt act which either disrupts the operation of the polling place or who engages in electioneering.

Under the statutes, an observer may not view the confidential portion of a registration list relating to an individual who has obtained a confidential listing based on domestic abuse. However, the poll workers must disclose to an observer, upon request, the existence of such a list, the number of electors whose names appear on the list, and the number of those electors who have voted at any point during the election. In addition, an observer may not view the certificate of an absent elector who has obtained such a confidential listing.

Currently, any person who refuses to obey a lawful order of a poll worker made for the purpose of enforcing the election laws; who engages in disorderly behavior at or near a polling place; or who interrupts or disturbs the voting or canvassing proceedings may be fined not more than \$1,000, or imprisoned for not more than 6 months, or both.

The draft directs the elections board to promulgate rules regarding the proper conduct of observers at polling places, municipal clerk’s offices, or alternate absentee ballot sites, including the interaction of observers with election officials at polling places. The draft requires the rules to be submitted to the legislative council staff for review by February 1, 2006.

Identification Required of Certain Voters

Under current law, effective January 1, 2006, a person, other than a military elector or an overseas elector, who registers to vote by mail and who has not previously voted in an election for national office in Wisconsin must provide identification, as specified by law, before being allowed to vote at an election for national office. A person who is required to provide identification before voting but who fails to do so may cast a provisional ballot which may be counted if the person subsequently presents identification before 4 p.m. on the day after the election.

The draft applies the identification requirement to persons who do not register to vote in the office of the municipal clerk or other locations

designated by the clerk and who have never voted in the state in any election, not just elections for national office.

Election Threats

Current law, in s. 12.09 of the statutes, prevents the making of various election threats. Violations of that section are punishable as a Class I felony (a fine not to exceed \$10,000 or imprisonment not to exceed 3 years and 6 months, or both).

Presently, s. 12.09 is drafted as one paragraph consisting of 3 distinct components, each of which prohibits different conduct. The provision reads as follows:

No person may personally or through an agent make use of or threaten to make use of force, violence or restraint in order to induce or compel any person to vote or refrain from voting at an election; or, by abduction, duress or any fraudulent device or contrivance, impede or prevent the free exercise of the franchise at an election; or by any act compel, induce or prevail upon an elector either to vote or refrain from voting at any election for or against a particular candidate or referendum.

The draft, in order to improve the readability of the provision, repeals the provision and recreates it with 3 distinct subsections. The draft makes no substantive changes to the law and violations would still be subject to the same penalties as provided under current law.

Prohibition on Certain Election-Related Material

Current law defines "electioneering" as any activity which is intended to influence voting at an election. Under current law, "electioneering" is prohibited at or near the entrances to polling places on election day. Specifically, the law prohibits an election official from engaging in "electioneering" on election day. In addition, the law prohibits any person from engaging in "electioneering" during polling hours on any public property on election day within 100 feet of an entrance to a building containing a polling place. This restriction, though, does not apply to the placement of any material on the bumper of a motor vehicle that is located on such property on election day. A municipal clerk, poll worker, or law enforcement officer is authorized to remove posters or other advertising that violates the prohibitions on "electioneering".

Persons who violate the above prohibitions on electioneering may be fined not more than \$1,000, or imprisoned for not more than six months, or both. In addition, any election official who is convicted of violating the electioneering prohibitions is disqualified from acting as an election official for a term of five years from the time of the conviction.

The draft modifies the statutory language regarding "electioneering" to provide that the prohibition on electioneering also applies to electioneering at a polling place.

In addition, the draft prohibits the posting or distribution of election-related material during polling hours on any public property on election day at a polling place or within 100 feet of an entrance to a building containing a polling place. Similarly, the draft prohibits such conduct in relation to the municipal clerk's office or an alternate absentee ballot site during hours that absentee ballots may be cast therein. For purposes of the draft, "election-related material" means any written matter which describes, or purports to describe, the rights or responsibilities of individuals voting or registering to vote at a polling place or voting by absentee ballot. The prohibition would not apply to material posted or distributed by the municipal clerk or other election officials or to a bumper sticker on a motor vehicle. The draft authorizes a municipal clerk, election inspector, or law enforcement officer to remove or confiscate unauthorized election-related material. Finally, the draft provides that a violation of the election-related material prohibition is punishable by a forfeiture not to exceed \$100.

Map of Area Served by Polling Place

The draft requires that the municipal clerk or board of election commissioners in municipalities with multiple polling places to prominently post at each polling place a map of the geographic area served by each polling place for that election. The map must display the boundaries of the ward or wards served by the polling place for that election.

Lists of Felons Ineligible to Vote

Under current law, any person who is convicted of a felony is not eligible to vote. However, if the person is pardoned or the person completes his or her sentence, the person's voting rights are restored. A person who is on probation, parole, or extended supervision has not completed his or her sentence. Under current law, there is no procedure that election officials must use to identify felons who are ineligible to vote and to prevent them from voting.

The draft directs the department of corrections (DOC) to transmit electronically to the elections board, on a continuous basis, a list containing the names of each person who has been convicted of a felony under the laws of this state and whose voting rights have not been restored, together with the date on which DOC expects his or her voting rights to be restored. The draft directs the board to enter the information received from DOC on the statewide voter registration list and to

maintain the information on that list so that the information is kept current. Under the draft, the information is open to public inspection.

The draft also directs the elections board to enter on the poll list prepared for each election a notation after the name of any elector who is ineligible to vote on that date because the person's name appears on the current list that DOC provides. In addition, the draft directs the board to provide for each polling place at each election a list of persons whose names do not appear on the registration list but whose names appear on the current list that DOC provides and whose addresses are located within the area served by the polling place. These lists are open to public inspection.

The draft requires poll workers to check the lists and to inform any person whose name appears on the lists that they are ineligible to register to vote or to vote. A person whose name appears on a list and who claims to be eligible to vote may still be allowed to vote, but the person must vote by ballot. The ballot is marked for later examination and it may be reviewed and discounted during a canvass or recount if the appropriate board of canvassers determines that the person who cast the ballot is ineligible to vote.

The draft also requires every person who registers to vote, to affirm specifically that he or she has not been convicted of a felony for which he or she has not been pardoned and, if so, whether the person is incarcerated or on probation, parole, or extended supervision resulting from that conviction. Currently, the law requires a person who registers at a polling place only to affirm that he or she is not disqualified on any ground from voting, and does not require any similar affirmation from other late registrants.

In addition, the draft directs the elections board to conduct a postelection audit after each election to determine whether any ineligible felons have been allowed to register and vote after the close of registration. If so, the board is directed to enter a notation reflecting this ineligibility on the registration list and to provide the names of these felons to the district attorney.

Finally, the draft requires DOC to create a form for notifying individuals of their ineligibility to vote. When an inmate who is disqualified from voting is released to parole or extended supervision, the DOC must use the form to notify the person that he or she may not vote until his or her civil rights are restored. The person and a witness must sign the form. The same procedure must be followed for each probationer, and by the court every time it imposes a sentence or places a defendant on probation for a conviction that disqualifies him or her from voting.

Additional Poll Worker: Greeter

Under current law, there must be at least 3 inspectors (poll workers) at each polling place. Municipalities may increase that number and may appoint special registration deputies on a nonpartisan basis to register voters at polling places on election day. Inspectors must be appointed from lists containing the names of eligible electors submitted by party committeemen and committeewomen. If no names or insufficient names are submitted, inspectors are appointed on a nonpartisan basis. Certain high school pupils may also be appointed to serve as inspectors. The party whose candidate for president or governor received the most votes in the area served by the polling place at the most recent general election is entitled to one more appointment than the other party. Alternate officials must also be appointed in a sufficient number to maintain adequate staffing.

The draft provides that each municipality may appoint an additional inspector on a nonpartisan basis who serves as a greeter and substitutes for other inspectors who must leave the voting room temporarily. Under the draft, the additional inspector is not entitled to participate in the canvassing process.

POST-ELECTION PROCEDURES**Time for Delivery of Election Material**

Currently, by 2 p.m. on the day after an election, the municipal clerk must deliver the ballots, statements, tally sheets, lists, and envelopes for the clerk's municipality concerning any county, technical college district, state, or national election to the county clerk. In addition, current law requires the municipal clerk to arrange for delivery of these materials concerning a school district election to the school district clerk, but does not specify a time by which that delivery must take place. The draft sets the deadline for delivery of these materials at 4 p.m. on the day after an election.

Post-Election Inspectors' Statements

Under current law, after ballots have been counted and votes recorded at the polling place on appropriate tally sheets, inspectors' statements must be completed in duplicate, and all materials secured and routed to the appropriate clerk. The draft deletes the requirement that inspectors' statements be completed in duplicate. Instead, under the draft, the municipal clerk must make copies of the inspectors' statement for delivery to the county or school district clerk, or both. The municipal clerk must retain the original statement.

County and Municipal Clerk Serving on Board of Canvassers

Generally, under current law, the municipal and county board of canvassers is composed of the municipal or county clerk and 2 appointed members. No person may serve on the board if he or she is a candidate at an election to be canvassed. The draft allows the county and municipal clerk to continue to serve on the respective board of canvassers if the clerk is a candidate as long as he or she has no opponent on the ballot, or, in the event of a recount, the office the clerk is seeking is not a subject of the recount.

Grounds for Recall of Certain Local Elective Offices

Under current law, a petition for the recall of a city, village, town, or school district officer, in addition to other requirements, must state a reason for the recall that is related to the official responsibilities of the officer. Current law also provides for the removal of elective village, town, and school district officers and certain elective city officers, for cause, after notice and a hearing. Under current law, inefficiency, neglect of duty, official misconduct, or malfeasance in office constitute cause for removal from office.

The draft requires a petition for the recall of a city, village, town, or school district officer to contain a statement of the grounds that constitute each cause for the recall. Under the draft, "cause" means official misconduct or malfeasance in office.

Retention of Unused Ballots After an Election

The draft provides that unused ballots from an election may not be discarded or destroyed until at least the day after the last day for the filing of a recount petition for any office on the ballots. In addition, the draft authorizes the county clerk to store any such unused ballots upon request of a municipal clerk of a municipality within the county and authorizes the county clerk to destroy the ballots pursuant to provisions of the draft.

Recount Procedures

Under current law, the state elections board is required to prescribe standard forms and procedures for the making of recounts. Additionally, when a recount is being conducted, if the ballots are in readable form such that automatic tabulating equipment may be used to count the ballots, the board of canvassers conducting the recount may choose to recount the ballots without the aid of automatic tabulating equipment. If automatic tabulating equipment is to be used, the equipment must be tested prior to the recount.

The draft requires the procedures developed by the elections board to require boards of canvassers in recounts involving more than one board of canvassers to consult with the elections board staff prior to beginning any recount to ensure that uniform procedures are used, to the extent practicable, in conducting such recounts.

In addition, the draft requires boards of canvassers to use automatic tabulating equipment to recount ballots that are in readable form. The draft provides, however, that a candidate, or elector if the recount is for a referendum question, may petition the circuit court for an order requiring ballots in readable form to be counted by hand or by another method approved by the court. The petition must be filed by the close of business on the next business day after the last day for filing a petition for a recount. To prevail, the petitioner must establish by clear and convincing evidence that due to irregularity, defect, or mistake committed during the voting or canvassing process the results of a recount using automatic tabulating equipment will produce incorrect recount results and that there is a substantial probability that recounting the ballots by hand or another method will produce a more correct result and change the outcome of the election. The court with whom the petition is filed must hear the matter as expeditiously as possible, without a jury. Only if the court determines that the petitioner has made the required showing may the court order a recount of the ballots by hand or other method. The procedure created by the draft is not intended to affect the ability of an aggrieved candidate or elector under current law to appeal the outcome of a recount to circuit court upon completion of the recount.

Post-Election Audits

The draft requires the elections board, by no later than December 31, 2006, to prepare recommendations with regard to random post-election audits of local election practices to be conducted in the fall of odd-numbered years. The recommendations must include recommendations on how election practices at the local level may be reviewed by election officials of other, similar-size municipalities and how such audits may be funded by the state. The recommendations must be submitted to the legislature.

1 **SECTION 1.** 5.02 (6m) of the statutes is repealed.

2 **SECTION 2.** 5.02 (16g) of the statutes is created to read:

1 5.02 (16g) "Qualified circulator" means a qualified elector of this state or any U.S.
2 citizen age 18 or older who, if he or she were a resident of this state, would not be disqualified
3 from voting under s. 6.03.

4 **SECTION 3.** 5.35 (6) (a) 4a. of the statutes is amended to read:

5 5.35 (6) (a) 4a. Instructions prescribed by the board for electors for whom identification
6 proof of residence under s. 6.34 is required under s. 6.36 (2) (c) 2.

7 **SECTION 4.** 5.35 (6) (c) of the statutes is created to read:

8 5.35 (6) (c) At each polling place located in a municipality that is served by more than
9 one polling place for an election, the municipal clerk or board of election commissioners shall
10 prominently post a map of the geographic area served by the polling place for that election.
11 The posting shall clearly show the boundaries of the ward or wards served by the polling place
12 for that election.

13 **SECTION 5.** 5.68 (3m) of the statutes is created to read:

14 5.68 (3m) The election administration council shall provide guidance to local units of
15 government concerning the purchasing of election apparatus, ballot forms, and supplies for
16 use in elections in this state to help ensure that competitive prices are obtained by those units
17 of government.

18 **SECTION 6.** 5.90 of the statutes is amended to read:

19 **5.90 Recounts. (1)** Except as otherwise provided in this subchapter, recounts of votes
20 cast on an electronic voting system shall be conducted in the manner prescribed in s. 9.01. If
21 Except as provided in sub. (2), if the ballots are in readable form, the board of canvassers may
22 elect to shall recount the ballots without the aid of with automatic tabulating equipment. If
23 ~~the board of canvassers elects to use automatic tabulating equipment, the~~ The board of
24 canvassers shall test the automatic tabulating equipment to be used prior to the recount as

1 provided in s. 5.84, and then the official ballots or the record of the votes cast shall be recounted
2 on the automatic tabulating equipment. In addition, the board of canvassers shall check the
3 ballots for the presence or absence of the initials and other distinguishing marks, shall examine
4 the ballots marked "Rejected", "Defective" and "Objected to" to determine the propriety of
5 such labels, and shall compare the "Duplicate Overvoted Ballots" and "Duplicate Damaged
6 Ballots" with their respective originals to determine the correctness of the duplicates.

7 (2) Any candidate, or any elector when for a referendum, may, by the close of business
8 on the next business day after the last day for filing a petition for a recount under s. 9.01,
9 petition the circuit court for an order requiring ballots in readable form under sub. (1) to be
10 counted by hand or by another method approved by the court. The petitioner in such an action
11 bears the burden of establishing by clear and convincing evidence that due to irregularity,
12 defect, or mistake committed during the voting or canvassing process the results of a recount
13 using automatic tabulating equipment will produce incorrect recount results and that there is
14 a substantial probability that recounting the ballots by hand or another method will produce
15 a more correct result and change the outcome of the election.

16 (3) A court with whom a petition under sub. (2) is filed shall hear the matter as
17 expeditiously as possible, without a jury. The court may order a recount of the ballots by hand
18 or other method only if it determines that the petitioner has established by clear and convincing
19 evidence that due to irregularity, defect, or mistake committed during the voting or canvassing
20 process the results of a recount using automatic tabulating equipment will produce incorrect
21 recount results and that there is a substantial probability that recounting the ballots by hand
22 or another method will produce a more correct result and change the outcome of the election.
23 Nothing in this section affects the right of a candidate or elector aggrieved by the recount to
24 appeal to circuit court under s. 9.01 (6) upon completion of the recount.

1 **SECTION 7.** 6.15 (4) (a) to (e) of the statutes are amended to read:

2 6.15 (4) (a) Clerks holding new resident ballots shall deliver them to the election
3 inspectors in the proper ward or election district where the new residents reside or, in
4 municipalities where absentee ballots are canvassed under s. 7.52, to the municipal board of
5 absentee ballot canvassers when it convenes under s. 7.52 (1), as provided by s. 6.88 for
6 absentee ballots.

7 (b) During polling hours, the inspectors shall open each carrier envelope, announce the
8 elector's name, check the affidavit for proper execution, and check the voting qualifications
9 for the ward, if any. In municipalities where absentee ballots are canvassed under s. 7.52, the
10 municipal board of absentee ballot canvassers shall perform this function at a meeting of the
11 board of absentee ballot canvassers.

12 (c) The inspectors or board of absentee ballot canvassers shall open the inner envelope
13 without examination of the ballot other than is necessary to see that the issuing clerk has
14 endorsed it.

15 (d) Upon satisfactory completion of the procedure under pars. (b) and (c) the inspectors
16 or board of absentee ballot canvassers shall deposit the ballot in the ballot box. The inspectors
17 or board of absentee ballot canvassers shall enter the name of each elector voting under this
18 section on the poll list with an indication that the elector is voting under this section or on a
19 separate list maintained for the purpose under s. 6.79 (2) (c).

20 (e) If the person is not a qualified elector in the ward or municipality, or if the envelope
21 is open or has been opened and resealed, the inspectors shall reject the vote. Rejected ballots
22 shall be processed the same as rejected absentee ballots, under s. 6.88 (3) (b).

23 **SECTION 8.** 6.15 (6) of the statutes is amended to read:

1 6.15 (6) DEATH OF ELECTOR. When it appears by due proof to the inspectors or, in
2 municipalities where absentee ballots are canvassed under s. 7.52, when it appears by due
3 proof to the board of absentee ballot canvassers that a person voting under this section at an
4 election has died before the date of the election, the inspectors or board of absentee ballot
5 canvassers shall return the ballot with defective ballots to the issuing official.

6 SECTION 9. 6.21 of the statutes is amended to read:

7 **6.21 Deceased electors.** When by due proof it appears to the inspectors or, in
8 municipalities where absentee ballots are canvassed under s. 7.52, when it appears by due
9 proof to the board of absentee ballot canvassers that a person voting under this section casting
10 an absentee ballot at an election has died before the date of the election, they the inspectors
11 or board of absentee ballot canvassers shall return the ballot with defective ballots to the
12 issuing official. The casting of the ballot of a deceased elector does not invalidate the election.

13 SECTION 10. 6.22 (4) of the statutes is amended to read:

14 6.22 (4) INSTRUCTIONS AND HANDLING. An (a) A request for an absentee ballot by an
15 individual who qualifies as a military elector may shall be treated as a request for an absentee
16 ballot for any election, or for all elections until the individual otherwise requests or until the
17 individual no longer qualifies as a military elector. Upon receiving a request for an absentee
18 ballot by an individual who qualifies as a military elector, the municipal clerk shall send or
19 transmit to the elector an absentee ballot for all elections that occur in the municipality or
20 portion thereof where the elector resides beginning on the date that the clerk receives the
21 request.

22 (b) A military elector's application may be received at any time. The municipal clerk
23 shall not send a ballot for an election if the application is received later than 5 p.m. on the

1 Friday preceding that election unless s. 6.87 (3) (d) applies. The municipal clerk shall send
2 a ballot, as soon as available, to each military elector who requests a ballot.

3 (c) A military elector may indicate an alternate address on his or her absentee ballot
4 application. If the elector's ballot is returned as undeliverable prior to the deadline for receipt
5 and return of absentee ballots under s. 6.87 (6) and the elector remains eligible to receive
6 absentee ballots under this section, the municipal clerk shall immediately send or transmit an
7 absentee ballot to the elector at the alternate address.

8 (d) The board shall prescribe the instructions for marking and returning ballots and the
9 municipal clerk shall enclose instructions with each ballot and shall also enclose supplemental
10 instructions for local elections. The envelope, return envelope and instructions may not
11 contain the name of any candidate appearing on the enclosed ballots other than that of the
12 municipal clerk affixed in the fulfillment of his or her duties. Each certificate envelope that
13 is mailed or transmitted to a military elector under this section shall be clearly labeled as "Cast
14 by a military elector under s. 6.22, Wis. stats., and may be eligible to be counted after election
15 day".

16 (e) Whenever the material is mailed, the material shall be prepared and mailed to make
17 use of the federal free postage laws. The mailing list established under this subsection shall
18 be kept current in the same manner as provided in s. 6.86 (2) (b).

19 (f) If there occur 2 successive general elections at which a military elector fails to return
20 an absentee ballot sent or transmitted to the elector under par. (a) and the elector has not cast
21 an absentee ballot at any intervening election, if the clerk is reliably informed that the elector
22 is no longer a military elector or no longer resides in the municipality, or if the elector so
23 requests, the clerk shall discontinue sending or transmitting absentee ballots to the elector
24 under this subsection. If a military elector is subject to a registration requirement and the name

1 of a military elector no longer appears on the registration list as an eligible elector, the
2 municipal clerk shall discontinue sending or transmitting absentee ballots to the elector under
3 this subsection. If a military elector who has requested an absentee ballot changes his or her
4 residence from the municipality where a request is filed to another municipality in this state,
5 the municipal clerk of the municipality who received the request shall notify the clerk of the
6 municipality to which the elector's residence is changed of the date of the request or the latest
7 renewal under par. (g) and the date of the most recent absentee ballot returned by the clerk.
8 The municipal clerk who is so notified shall treat the request as having been made to him or
9 her.

10 (g) Prior to any discontinuance of the service provided to a military elector under this
11 subsection solely for failure to return absentee ballots, the municipal clerk shall mail the
12 elector a 1st class letter or postcard notifying the elector that an absentee ballot will no longer
13 be sent to the elector unless the elector renews his or her request within 30 days of the date
14 of the notification.

15 (h) The municipal clerk shall notify a military elector of any action under par. (f) that
16 is not taken at the elector's request within 5 days of taking that action, if possible.

17 **SECTION 11.** 6.22 (5) of the statutes is amended to read:

18 **6.22 (5) VOTING PROCEDURE.** Except as authorized in sub. (5m) and s. 6.25, the ballot
19 shall be marked and returned, deposited and recorded in the same manner as other absentee
20 ballots. In addition, the certification under s. 6.87 (2) shall have a statement of the elector's
21 birth date. Failure to return any unused ballots in a primary election does not invalidate the
22 ballot on which the elector casts his or her votes.

23 **SECTION 12.** 6.22 (5m) of the statutes is created to read:

1 6.22 **(5m)** (a) A ballot cast under this section that is received by the municipal clerk
2 after the close of the polls but before the deadline for filing a recount under s. 9.01 (1) (a) shall
3 be treated as a valid vote if the envelope in which the ballot was received bears a postal service
4 cancellation mark dated on or before the election day for which the ballot was cast, but may
5 only be counted for purposes of a recount under s. 9.01.

6 (b) For purposes of par. (a), if a certificate envelope is not postmarked or has a postmark
7 that is not legible to the municipal clerk, board of canvassers, or the board of absentee ballot
8 canvassers in municipalities where absentee ballots are canvassed under s. 7.52, and the
9 envelope was received by mail from the U.S. postal service in the manner and within the period
10 prescribed in sub. (3), it is presumed that the envelope was placed in the mail on or before
11 election day, unless established by a preponderance of the evidence to the contrary.

12 (c) No later than the closing hour of the polls, the municipal clerk of each municipality
13 shall post at his or her office, at any alternate site under s. 6.855, and on the Internet at a site
14 announced by the clerk before the polls open, and shall make available to any person upon
15 request, a statement of the number of absentee ballots that the clerk has mailed or transmitted
16 to military electors under this section and that have not been returned by the closing hour on
17 election day. The posting shall not include the names or addresses of any military electors.

18 (d) All ballots received by the municipal clerk under this subsection by the deadline
19 specified in par. (a) shall be carefully preserved, subject to s. 7.23, by the municipal clerk. In
20 the event a petition for a recount is filed under s. 9.01, the clerk shall immediately notify the
21 appropriate board of canvassers as to whether any absentee ballots that have been mailed or
22 transmitted to military electors under this section have been received after the closing of the
23 polls or have not been returned.

1 (dm) If the clerk notifies the board of canvassers that any such ballots have not been
2 returned, the board of canvassers may not proceed with the recount until all such ballots have
3 been returned to the clerk and transmitted to the board of canvassers, or 9 a.m. on the day
4 following the last day for filing of a petition for a recount, whichever occurs first.

5 (e) The clerk shall transmit to the appropriate board of canvassers all ballots received
6 under par. (a) by the clerk as soon as practicable after receiving the last ballot but in no case
7 later than 9 a.m. on the day following the last day for filing a recount petition under s. 9.01.

8 (f) Whenever a board of canvassers conducting a recount receives absentee ballots cast
9 by military electors as provided in par. (e), the board of canvassers shall first proceed to open
10 and record the names of the military electors whose ballots have been received. If the ballot
11 cast by a military elector is otherwise valid, the board of canvassers shall count the ballot and
12 adjust the original statements, certifications, and determinations accordingly.

13 (g) The board of canvassers shall then proceed with the recount under s. 9.01 (1) (b).

14 **SECTION 13.** 6.24 (6) of the statutes is amended to read:

15 6.24 (6) INSTRUCTIONS AND HANDLING. The municipal clerk shall send a ballot, as soon
16 as available, to each overseas elector by whom a request has been made. The board shall
17 prescribe the instructions for marking and returning ballots and the municipal clerk shall
18 enclose such instructions with each ballot. The envelope, return envelope and instructions
19 may not contain the name of any candidate appearing on the enclosed ballots other than that
20 of the municipal clerk affixed in the fulfillment of his or her duties. Except as authorized in
21 s. 6.87 (3), the municipal clerk shall mail the material postage prepaid, with sufficient postage
22 to ensure that the elector receives the ballot, to any place in the world. The overseas elector
23 shall provide return postage.

24 **SECTION 14.** 6.26 (2) (a) of the statutes is amended to read:

1 6.26 (2) (a) A qualified elector of the state may apply to any municipal clerk or board
2 of election commissioners to be appointed as a special registration deputy for the purpose of
3 registering electors of the municipality at fixed registration locations established under s. 6.28
4 (1) prior to the close of registration. An applicant may be appointed by more than one
5 municipal clerk or board of election commissioners to serve in more than one municipality.

6 **SECTION 15.** 6.26 (2) (am) of the statutes is repealed.

7 **SECTION 16.** 6.26 (2) (b) and (c) of the statutes are amended to read:

8 6.26 (2) (b) The municipal clerk, or board of election commissioners, ~~or elections board~~
9 may appoint any applicant who qualifies under this subsection, unless the applicant's
10 appointment has been revoked by a municipality ~~or by the board~~ for cause. The municipal
11 clerk, or board of election commissioners, ~~or elections board~~ may revoke an appointment
12 made by the clerk, or board of election commissioners, ~~or elections board~~ for cause at any time.

13 (c) No individual may serve as a special registration deputy in a municipality unless the
14 individual is appointed by the municipal clerk or board of election commissioners of the
15 municipality ~~or the individual is appointed by the elections board to serve all municipalities~~
16 and the individual completes training required under 7.31.

17 **SECTION 17.** 6.26 (3) of the statutes is amended to read:

18 6.26 (3) The board shall, by rule, prescribe procedures for appointment of special
19 registration deputies, for revocation of appointments of special registration deputies, and for
20 training of special registration deputies by municipal clerks and boards of election
21 commissioners. The procedures shall be coordinated with training programs for special
22 registration deputies conducted by municipal clerks under s. 7.31 and shall be formulated to
23 promote increased registration of electors consistent with the needs of municipal clerks and
24 boards of election commissioners to efficiently administer the registration process.

1 **SECTION 18.** 6.28 (1) of the statutes is amended to read:

2 6.28 (1) REGISTRATION LOCATIONS; DEADLINE. Except as authorized in ss. 6.29, 6.55 (2),
3 and 6.86 (3) (a) 2., registration in person for any election shall close at 5 p.m. on the 2nd
4 Wednesday ~~3rd Wednesday~~ preceding the election. Registrations made by mail under s. 6.30
5 (4) must be delivered to the office of the municipal clerk or postmarked no later than the 2nd
6 Wednesday ~~3rd Wednesday~~ preceding the election. ~~An application for registration in person~~
7 ~~or by mail may be accepted for placement on the registration list after the specified deadline,~~
8 ~~if the municipal clerk determines that the registration list can be revised to incorporate the~~
9 ~~registration in time for the election.~~ All applications for registration corrections and additions
10 may be made throughout the year at the office of the city board of election commissioners, at
11 the office of the municipal clerk, ~~at the office of any register of deeds~~ at the offices of the
12 county clerk, or at other fixed locations provided by the board of election commissioners or
13 the common council in cities over 500,000 population or by either or both the municipal clerk,
14 or the common council, village or town board in all other municipalities and may also be made
15 during the school year at any high school by qualified persons under sub. (2) (a). Other
16 ~~registration locations may include but are not limited to fire houses, police stations, public~~
17 ~~libraries, institutions of higher education, supermarkets, community centers, plants and~~
18 ~~factories, banks, savings and loan associations and savings banks.~~ Special registration
19 deputies shall be appointed for all fixed locations unless the location can be sufficiently staffed
20 by the clerk and deputy clerks. An elector who wishes to obtain a confidential listing under
21 s. 6.47 (2) shall register at the office of the municipal clerk of the municipality where the
22 elector resides.

23 **SECTION 19.** 6.28 (3) of the statutes is repealed.

24 **SECTION 20.** 6.28 (4) of the statutes is created to read:

1 6.28 (4) AT THE OFFICES OF THE COUNTY CLERK. Any person shall be given an opportunity
2 to register to vote at the office of the county clerk for the county in which the person's residence
3 is located. An applicant may fill out the required registration form under s. 6.33. Upon receipt
4 of a completed form, the county clerk shall forward the form within 5 days to the appropriate
5 municipal clerk, or to the board of election commissioners in cities over 500,000 population.
6 The clerk shall forward the form immediately whenever registration closes within 5 days of
7 receipt.

8 **SECTION 21.** 6.29 (1) of the statutes is amended to read:

9 6.29 (1) No names may be added to a registration list for any election after the close of
10 registration, except as authorized under this section or s. ~~6.28 (1)~~, s. 6.55 (2), or 6.86 (3) (a)
11 2. Any person whose name is not on the registration list but who is otherwise a qualified
12 elector is entitled to vote at the election upon compliance with this section.

13 **SECTION 22.** 6.29 (2) (a) of the statutes is amended to read:

14 6.29 (2) (a) Any qualified elector of a municipality who has not previously filed a
15 registration form or whose name does not appear on the registration list of the municipality
16 may register after the close of registration but not later than 5 p.m. or the close of business,
17 whichever is later, on the day Friday before an election at the office of the municipal clerk and
18 at the office of the clerk's agent if the clerk delegates responsibility for electronic maintenance
19 of the registration list to an agent under s. 6.33 (5) (b). The elector shall complete, in the
20 manner provided under s. 6.33 (2), a registration form containing all information required
21 under s. 6.33 (1). The registration form shall also contain the following certification: "I, ...,
22 hereby certify that to the best of my knowledge, I am a qualified elector, having resided at ...
23 for at least 10 days immediately preceding this election, and I have not voted at this election".
24 The elector shall also provide acceptable proof of residence under s. ~~6.55 (7)~~ 6.34.

1 Alternatively, if the elector is unable to provide acceptable proof of residence under s. 6.55
2 (7) 6.34, the information contained in the registration form shall be corroborated in a statement
3 that is signed by any other elector of the municipality and that contains the current street
4 address of the corroborating elector. The corroborating elector shall then provide acceptable
5 proof of residence under s. 6.55 (7) 6.34.

6 **SECTION 23.** 6.29 (2) (am) of the statutes is created to read:

7 6.29 (2) (am) The board shall provide to each municipal clerk a list prepared for use at
8 each municipal clerk's office showing the name and address of each person whose name
9 appears on the list provided by the department of corrections under s. 301.03 (20) as ineligible
10 to vote on the date of the election, whose address is located in the municipality, and whose
11 name does not appear on the registration list for that municipality. Prior to permitting an
12 elector to register to vote under this subsection, the municipal clerk shall review the list. If
13 the name of an elector who wishes to register to vote appears on the list, the municipal clerk
14 shall inform the elector that the elector is ineligible to register to vote. If the elector maintains
15 that he or she is eligible to vote in the election, the municipal clerk shall permit the elector to
16 register to vote but shall mark the elector's registration form as "ineligible to vote per
17 Department of Corrections". If the elector wishes to vote, the municipal clerk shall challenge
18 the elector's ballot in the same manner as provided for inspectors who challenge ballots under
19 s. 6.79 (2) (dm).

20 **SECTION 24.** 6.30 (4) of the statutes is amended to read:

21 6.30 (4) BY MAIL. Any eligible elector may register by mail on a form prescribed by
22 the board and provided by each municipality. The form shall be designed to obtain the
23 information required in ss. s. 6.33 (1) and to provide for changes authorized under s. 6.40 (1)
24 (a). The form shall contain a certification by the elector that all statements are true and correct.

1 ~~The form shall be prepostpaid for return when mailed at any point within the United States.~~
2 The form shall contain instructions regarding the requirement to provide proof of residence
3 under s. 6.34. The form shall be available in the municipal clerk's office and may be
4 distributed by any elector of the municipality. The clerk shall mail a registration form to any
5 elector upon written or oral request.

6 **SECTION 25.** 6.32 of the statutes is amended to read:

7 **6.32 Verification of mail registrations. (1)** Upon receipt of a registration form which
8 is submitted by mail under s. 6.30 (4) was not submitted in person in the office of the municipal
9 clerk or at another registration location authorized under s. 6.28 (1), and proof of residence
10 under s. 6.34, the municipal clerk shall examine the form and proof of residence for
11 sufficiency.

12 **(2)** If the form or proof of residence is insufficient to accomplish registration or the clerk
13 knows or has reliable information that the proposed elector is not qualified, the clerk shall
14 notify the proposed elector within 5 days, if possible, and request that the elector appear at the
15 clerk's office or other registration center to complete a proper registration, provide acceptable
16 proof of residence, or substantiate the information presented.

17 **(3)** If the form or proof of residence is submitted later than the close of registration, the
18 clerk shall make a good faith effort to notify the elector that he or she may register at the clerk's
19 office under s. 6.29 or at the proper polling place or other location designated under s. 6.55
20 (2).

21 **(4)** If the form and proof of residence is sufficient to accomplish registration and the
22 clerk has no reliable information to indicate that the proposed elector is not qualified, the clerk
23 shall enter the elector's name on the registration list and transmit a 1st class letter or postcard
24 to the registrant, specifying the elector's ward or aldermanic district, or both, if any, and

1 polling place. The letter or postcard shall be sent within 10 days of receipt of the registration
2 form. If the letter or postcard is returned, or if the clerk is informed of a different address than
3 the one specified by the elector, the clerk shall change the status of the elector on the list from
4 eligible to ineligible. The letter or postcard shall be marked in accordance with postal
5 regulations to ensure that it will be returned to the clerk if the elector does not reside at the
6 address given on the letter or postcard.

7 **SECTION 26.** 6.33 (1) of the statutes is amended to read:

8 6.33 (1) The municipal clerk shall supply sufficient registration forms as prescribed by
9 the board printed on loose-leaf sheets or cards to obtain from each applicant information as
10 to name; date; residence location; citizenship; date of birth; age; the number of a valid
11 operator's license issued to the elector under ch. 343 or the last 4 digits of the elector's social
12 security account number; whether the applicant has resided within the ward or election district
13 for at least 10 days; whether the applicant has ~~lost his or her right to vote;~~ been convicted of
14 a felony for which he or she has not been pardoned, and if so, whether the applicant is
15 incarcerated, or on parole, probation, or extended supervision; whether the applicant is
16 disqualified on any other ground from voting; and whether the applicant is currently registered
17 to vote at any other location. The forms shall also provide a space for the applicant's signature
18 and the ward and aldermanic district, if any, where the elector resides and any other
19 information required to determine the offices and referenda for which the elector is certified
20 to vote. The forms shall also include a space where the clerk may record an indication of
21 whether the form is ~~received by mail~~ was submitted in person in the office of the municipal
22 clerk or another registration location authorized under s. 6.28 (1), a space where the clerk may
23 record an indication of the type of identifying document submitted by the elector as proof of
24 residence under s. 6.34, and a space where the clerk, for any applicant who possesses a valid

1 voting identification card issued to the person under s. 6.47 (3), may record the identification
2 serial number appearing on the voting identification card. Each register of deeds shall obtain
3 sufficient registration forms at the expense of the unit of government by which he or she is
4 employed for completion by any elector who desires to register to vote at the office of the
5 register of deeds under s. 6.28 (3). The form shall contain instructions regarding the
6 requirement to provide proof of residence under s. 6.34. Each county clerk shall obtain
7 sufficient registration forms for completion by an elector who desires to register to vote at the
8 office of the county clerk under s. 6.28 (4).

9 **SECTION 27.** 6.33 (2) (a) and (b) of the statutes are amended to read:

10 6.33 (2) (a) All information may be recorded by any person, except that the ward and
11 aldermanic district, if any, other geographic information under sub. (1), the indication of
12 whether the registration is received by mail was submitted in person in the office of the
13 municipal clerk or another registration location authorized under s. 6.28 (1) shall be recorded
14 by the clerk. All information shall be recorded in a legible manner. Each applicant shall sign
15 his or her own name unless the applicant is unable to sign his or her name due to physical
16 disability. In such case, the applicant may authorize another elector to sign the form on his
17 or her behalf. If the applicant so authorizes, the elector signing the form shall attest to a
18 statement that the application is made upon request and by authorization of a named elector
19 who is unable to sign the form due to physical disability.

20 (b) Except as provided in s. 6.86 (3) (a) 2., the registration form shall be signed by the
21 registering elector and any corroborating elector under s. 6.29 (2) (a) or 6.55 (2) before the
22 clerk, issuing officer or registration deputy. The form shall contain a certification by the
23 registering elector that all statements are true and correct and a certification by the clerk,
24 issuing officer, or registration deputy that the completed form is legible.

1 **SECTION 28.** 6.34 of the statutes is created to read:

2 **6.34 Proof of residence required. (1)** Upon completion of a registration form
3 prescribed under s. 6.33, each elector required to register under s. 6.27 shall provide an
4 identifying document establishing proof of residence under sub. (2) or a copy of such
5 document if registering by mail.

6 **(2)** (a) Identifying documents used to establish proof of an elector's residence under
7 sub. (1) shall contain the information required under par. (b) and shall be limited to the
8 following:

9 1. A current and valid operator's license issued under ch. 343.

10 2. A current and valid identification card issued under s. 343.50.

11 3. Any other official identification card or license issued by a Wisconsin governmental
12 body or unit.

13 4. An official identification card or license issued by an employer in the normal course
14 of business that contains a photograph of the cardholder or licenseholder, but not including
15 a business card.

16 5. A real estate tax bill or receipt for the current year or the year preceding the date of
17 the election.

18 6. A university, college, or technical college fee or identification card that contains a
19 photograph of the cardholder. A card under this subdivision that does not contain the
20 information specified in par. (b) shall be considered acceptable proof of residence if the
21 university, college, or technical college that issued the card provides a certified and current
22 list of students who reside in housing sponsored by the university, college, or technical college
23 to the municipal clerk prior to the election showing the current address of the students and if

1 the municipal clerk, special registration deputy, or inspector verifies that the student
2 presenting the card is included on the list.

3 7. A utility bill for the period commencing not earlier than 90 days before the day
4 registration is made.

5 8. A bank statement.

6 9. A paycheck.

7 10. A check or other document issued by a unit of government.

8 (b) The identifying documents prescribed in par. (a) shall contain all of the following
9 in order to be considered acceptable proof of residence:

10 1. A current and complete name, including both the given and family name.

11 2. A current and complete residential address, including a numbered street address, if
12 any, and the name of a municipality.

13 (c) Identifying documents specified in par. (a) which are valid for use during a specified
14 period shall be valid on the day that registration is made in order to constitute acceptable poof
15 of residence at the election.

16 **SECTION 29.** 6.36 (1) (a) of the statutes is amended to read:

17 6.36 (1) (a) The board shall compile and maintain electronically an official registration
18 list. The list shall contain the name and address of each registered elector in the state, the date
19 of birth of the elector, the ward and aldermanic district of the elector, if any, and, for each
20 elector, a unique registration identification number assigned by the board, the number of a
21 valid operator's license issued to the elector under ch. 343, if any, or the last 4 digits of the
22 elector's social security account number, if any, any identification serial number issued to the
23 elector under s. 6.47 (3), the date of any election in which the elector votes, an indication of
24 whether the elector is an overseas elector, as defined in s. 6.24 (1), any information relating

1 to the elector that appears on the current list transmitted to the board by the department of
2 corrections under s. 301.03 (20), an indication of any accommodation required under s. 5.25
3 (4) (a) to permit voting by the elector, an indication of the method by which the elector's
4 registration form was received, and such other information as may be determined by the board
5 to facilitate administration of elector registration requirements.

6 **SECTION 30.** 6.36 (2) (a) of the statutes, as affected by 2003 Wisconsin Act 265, section
7 58b, is amended to read:

8 6.36 (2) (a) Except as provided in pars. (b) and (c), each registration list prepared for
9 use as a poll list at a polling place or for purposes of canvassing absentee ballots shall contain
10 the full name and address of each registered elector; a blank column for the entry of the serial
11 number of the electors when they vote; if the list is prepared for use at an election for national
12 office, or the poll list number used by the municipal board of absentee ballot canvassers in
13 canvassing absentee ballots; an indication next to the name of each elector for whom
14 identification is required under par. (c) 2.; and a form of certificate bearing the certification
15 of the executive director of the board stating that the list is a true and complete registration list
16 of the municipality or the ward or wards for which the list is prepared.

17 **SECTION 31.** 6.36 (2) (c) 2. of the statutes, as affected by 2003 Wisconsin Act 265, is
18 amended to read:

19 6.36 (2) (c) 2. ~~If the registration list is prepared for use at an election for national office,~~
20 ~~the~~ The list shall contain, next to the name of each elector, an indication of whether
21 identification proof of residence under s. 6.34 is required for the elector to be permitted to vote.
22 Identification Proof of residence under s. 6.34 is required if the elector is not a military elector
23 or an overseas elector and the elector registers by mail does not register in person in the office

1 of the municipal clerk or at another registration location authorized under s. 6.28 (1) and has
2 not previously voted in an election for national office in this state.

3 **SECTION 32.** 6.36 (5) of the statutes is created to read:

4 6.36 (5) The board shall establish by rule the fee for obtaining a copy of the official
5 registration list, or a portion of the list. The amount of the fee shall be set, after consultation
6 with county and municipal election officials, at an amount estimated to cover both the cost of
7 reproduction and the cost of maintaining the list at the state and local level. The rules shall
8 require that fees received be shared between state and local jurisdictions, and shall specify a
9 method for such allocation.

10 **SECTION 33.** 6.50 (3) of the statutes is amended to read:

11 6.50 (3) Upon receipt of reliable information that a registered elector has changed his
12 or her residence to a location outside of the municipality, the municipal clerk or board of
13 election commissioners shall notify the elector by mailing a notice by 1st class mail to the
14 elector's registration address stating the source of the information. All municipal departments
15 and agencies receiving information that a registered elector has changed his or her residence
16 shall notify the clerk or board of election commissioners. If the elector no longer resides in
17 the municipality or fails to apply for continuation of registration within 30 days of the date the
18 notice is mailed, the clerk or board of election commissioners shall change the elector's
19 registration from eligible to ineligible status. Upon receipt of reliable information that a
20 registered elector has changed his or her residence within the municipality, the municipal clerk
21 or board of election commissioners shall transfer the elector's registration and mail the elector
22 a notice of the transfer under s. 6.40 (2). This subsection does not restrict the right of an elector
23 to challenge any registration under s. 6.325, 6.48, 6.925 or, 6.93, or 7.52 (5).

24 **SECTION 34.** 6.55 (2) (a) 1. of the statutes is amended to read:

1 6.55 (2) (a) 1. Except where the procedure under par. (c) or (cm) is employed, any
2 person who qualifies as an elector in the ward or election district where he or she desires to
3 vote, but has not previously filed a registration form, or was registered at another location, may
4 request permission to vote at the polling place for that ward or election district, or at an
5 alternate polling place assigned under s. 5.25 (5) (b). When a proper request is made, the
6 inspector shall require the person to execute a registration form prescribed by the board. The
7 registration form shall be completed in the manner provided under s. 6.33 (2) and shall contain
8 all information required under s. 6.33 (1), together with the following certification:

9 “I,, hereby certify that to the best of my knowledge, I am a qualified elector, having
10 resided at for at least 10 days immediately preceding this election, ~~and that I am not~~
11 ~~disqualified on any ground from voting, and I have not voted, at this election.”~~

12 **SECTION 35.** 6.55 (2) (b) of the statutes is amended to read:

13 6.55 (2) (b) Upon executing the registration form under par. (a), the elector shall provide
14 acceptable proof of residence under sub. ~~(7)~~ s. 6.34. If the elector cannot provide acceptable
15 proof of residence, the information contained in the registration form shall be corroborated
16 in a statement that is signed by any elector who resides in the same municipality as the
17 registering elector and that contains the current street address of the corroborating elector. The
18 corroborator shall then provide acceptable proof of residence as provided in sub. ~~(7)~~ s. 6.34.
19 The signing by the elector executing the registration form and by any corroborator shall be in
20 the presence of the special registration deputy or inspector who shall ensure that the form is
21 completed in a legible manner and who shall then sign the form. Upon compliance with this
22 procedure, the elector shall be permitted to cast his or her vote, if the elector complies with
23 all other requirements for voting at the polling place.

24 **SECTION 36.** 6.55 (2) (c) 1. of the statutes is amended to read:

1 6.55 (2) (c) 1. As an alternative to registration at the polling place under pars. (a) and
2 (b), the board of election commissioners, or the governing body of any municipality may by
3 resolution require a person who qualifies as an elector and who is not registered and desires
4 to register on the day of an election to do so at another readily accessible location in the same
5 building as the polling place serving the elector's residence or at an alternate polling place
6 assigned under s. 5.25 (5) (b), instead of at the polling place serving the elector's residence.
7 In such case, the municipal clerk shall prominently post a notice of the registration location
8 at the polling place. ~~The municipal clerk, deputy clerk or special registration deputy at the~~
9 ~~registration location shall require such person to execute~~ The elector who desires to register
10 shall execute a registration form as prescribed under par. (a) and to provide acceptable proof
11 of residence as provided under sub. (7) s. 6.34. If the elector cannot provide acceptable proof
12 of residence, the information contained in the registration form shall be corroborated in the
13 manner provided in par. (b). The signing by the elector executing the registration form and
14 by any corroborator shall be in the presence of the municipal clerk, deputy clerk or special
15 registration deputy. Upon ensuring that the form has been completed in a legible manner, the
16 municipal clerk, the deputy clerk, or the special registration deputy shall sign the form. Upon
17 proper completion of registration, the municipal clerk, deputy clerk or special registration
18 deputy shall serially number the registration and give one copy to the elector for presentation
19 at the polling place serving the elector's residence or an alternate polling place assigned under
20 s. 5.25 (5) (b).

21 **SECTION 37.** 6.55 (2) (cs) of the statutes is created to read:

22 6.55 (2) (cs) The board shall provide to each municipal clerk a list prepared for use at
23 each polling place showing the name and address of each person whose name appears on the
24 list provided by the department of corrections under s. 301.03 (20) as ineligible to vote on the

1 date of the election, whose address is located in the area served by that polling place, and
2 whose name does not appear on the poll list for that polling place. Prior to permitting an elector
3 to register to vote under this subsection or s. 6.86 (3) (a) 2., the special registration deputies
4 shall review the list. If the name of an elector who wishes to register to vote appears on the
5 list, the special registration deputies shall inform the elector or the elector's agent that the
6 elector is ineligible to register to vote. If the elector or the elector's agent maintains that the
7 elector is eligible to vote in the election, the special registration deputies shall permit the
8 elector to register but shall mark the elector's registration form as "ineligible to vote per
9 Department of Corrections." If the elector wishes to vote, the inspectors shall require the
10 elector to vote by ballot and shall challenge the ballot as provided in s. 6.79 (2) (dm).

11 **SECTION 38.** 6.55 (3) of the statutes is renumbered 6.55 (3) (a) and amended to read:

12 6.55 (3) (a) Any qualified elector in the ward or election district where the elector
13 desires to vote whose name does not appear on the registration list but who claims to be
14 registered to vote in the election may request permission to vote at the polling place for that
15 ward or election district. When the request is made, the inspector shall require the person to
16 give his or her name and address. If the elector is not at the polling place which serves the ward
17 or election district where the elector resides, the inspector shall provide the elector with
18 directions to the correct polling place. If the elector is at the correct polling place, the elector
19 shall then execute the following written statement: "I, ..., hereby certify that to the best of my
20 knowledge, I am a qualified elector, having resided at for at least 10 days immediately
21 preceding this election, and that I am not disqualified on any ground from voting, and I have
22 not voted at this election and am properly registered to vote in this election." The person shall
23 be required to provide acceptable proof of residence as provided under sub. (7) and shall then
24 be given the right to vote. If the elector cannot provide acceptable proof of residence, the

1 statement shall be certified by the elector and shall be corroborated in a statement that is signed
2 by any other elector who resides in the municipality and that contains the current street address
3 of the corroborating elector. The corroborator shall then provide acceptable proof of residence
4 as provided in sub. (7). Whenever the question of identity or residence cannot be satisfactorily
5 resolved and the elector cannot be permitted to vote, an inspector shall telephone the office
6 of the municipal clerk to reconcile the records at the polling place with those at the office
7 complete registration as provided in sub. (2).

8 **SECTION 39.** 6.55 (3) (b) of the statutes is created to read:

9 6.55 (3) (b) Prior to permitting an elector to vote under this subsection, the inspectors
10 shall review the list provided by the board under sub. (2) (cs). If the name of the elector appears
11 on the list, the inspectors shall inform the elector that he or she is ineligible to vote at the
12 election. If the elector maintains that he or she is eligible to vote in the election, the inspectors
13 shall permit the elector to vote, but shall require the elector to vote by ballot, and shall
14 challenge the ballot as provided in s. 6.79 (2) (dm).

15 **SECTION 40.** 6.55 (7) of the statutes is repealed.

16 **SECTION 41.** 6.56 (3) of the statutes is amended to read:

17 6.56 (3) Upon receipt of the list under sub. (1), the municipal clerk or, board of election
18 commissioners, or board shall make an audit of all electors registering to vote at the polling
19 place or other registration location under s. 6.55 (2) and all electors registering by agent on
20 election day under s. 6.86 (3) (a) 2. The audit shall be made by 1st class postcard. The postcard
21 shall be marked in accordance with postal regulations to ensure that it will be returned to the
22 clerk or, board of election commissioners, or board if the elector does not reside at the address
23 given on the postcard. If any postcard is returned undelivered, or if the clerk or, board of
24 election commissioners, or board is informed of a different address than the one specified by

1 the elector which was apparently improper on the day of the election, the clerk or, board of
2 election commissioners, or board shall change the status of the elector from eligible to
3 ineligible on the registration list and mail the elector a notice of the change in status and
4 provide the name to the district attorney for the county where the polling place is located.

5 **SECTION 42.** 6.56 (3m) of the statutes is created to read:

6 6.56 (3m) As soon as possible after all information relating to registrations after the
7 close of registration for an election is entered on the registration list following the election
8 under s. 6.33 (5) (a), the board shall compare the list of new registrants with the list containing
9 the names transmitted to the board by the department of corrections under s. 301.03 (20) as
10 of election day but whose names do not appear on the poll lists for the election because the
11 names were added after the board certified the poll lists for use at the election. If the board
12 finds that the name of any person whose name appears on the list transmitted under s. 301.03
13 (20) has been added to the registration list, the board shall enter on the list the information
14 transmitted to the board under s. 301.03 (20) and shall notify the district attorney that the
15 person appears to have voted illegally at the election.

16 **SECTION 43.** 6.79 (2) (d) of the statutes, as affected by 2003 Wisconsin Act 265, is
17 amended to read:

18 6.79 (2) (d) If the poll list indicates that identification proof of residence under s. 6.34
19 is required, the officials shall require the elector to provide identification proof of residence.
20 If identification proof of residence is provided, the officials shall verify that the name and
21 address on the identification proof of residence provided is the same as the name and address
22 shown on the registration list. If identification proof of residence is required and not provided,
23 the officials shall offer the opportunity for the elector to vote under s. 6.97.

24 **SECTION 44.** 6.79 (2) (dm) of the statutes is created to read:

1 6.79 (2) (dm) If the poll list indicates that the elector is ineligible to vote because the
2 elector's name appears on the current list provided by the department of corrections under s.
3 301.03 (20), the inspectors shall inform the elector of this fact. If the elector maintains that he
4 or she is eligible to vote in the election, the inspectors shall provide the elector with a ballot
5 and, after the elector casts his or her vote, shall challenge the ballot as provided in s. 6.92 and
6 treat the ballot in the manner provided in s. 6.95.

7 **SECTION 45.** 6.82 (1) (a) of the statutes is amended to read:

8 6.82 (1) (a) When any inspectors are informed that an elector is at the entrance to the
9 polling place who as a result of disability is unable to enter the polling place, they shall permit
10 the elector to be assisted in marking a ballot by any individual selected by the elector, except
11 the elector's employer or an agent of that employer or an officer or agent of a labor
12 organization which represents the elector. The individual selected by the elector shall provide
13 identification proof of residence under s. 6.34 for the assisted elector, whenever required, and
14 all other information necessary for the elector to obtain a ballot under s. 6.79 (2). The
15 inspectors shall issue a ballot to the individual selected by the elector and shall accompany the
16 individual to the polling place entrance where the assistance is to be given. If the ballot is a
17 paper ballot, the assisting individual shall fold the ballot after the ballot is marked by the
18 assisting individual. The assisting individual shall then immediately take the ballot into the
19 polling place and give the ballot to an inspector. The inspector shall distinctly announce that
20 he or she has "a ballot offered by (stating person's name), an elector who, as a result of
21 disability, is unable to enter the polling place without assistance". The inspector shall then ask,
22 "Does anyone object to the reception of this ballot?" If no objection is made, the inspectors
23 shall record the elector's name under s. 6.79 and deposit the ballot in the ballot box, and shall
24 make a notation on the poll list: "Ballot received at poll entrance".

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